

DETAILED ACTION

Double Patenting

Claims 1, 2, 3, 8-16, 22, 27 and 28 of this application conflict with claims 1-12 of Application No. 10/736600. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Allowable Subject Matter

Claims 43 and 44 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach or make obvious a read/write arrangement where the electrical field changes with a distance change between the substrate and cantilever.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH HALEY whose telephone number is (571)272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/
Supervisory Patent Examiner, Art
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/Joseph Haley/
Examiner, Art Unit 2627

Application Number**Application/Control No.**

10/827,370

**Applicant(s)/Patent under
Reexamination**

MEJIA ET AL.

Examiner

JOSEPH HALEY

Art Unit

2627